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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,019	07/24/2003	Robert Zaccaria	12601/1	9968

7590 01/19/2006

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One Broadway
New York, NY 10004

EXAMINER

WACHSMAN, HAL D

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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10/626019

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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01152006

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Hal D Wachsman
Primary Examiner
Art Unit: 2857

Office Action Summary

Application No.

10/626,019

Applicant(s)

ZACCARIA, ROBERT

Examiner

Hal D. Wachsman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-38 is/are allowed.
- 6) ☒ Claim(s) 39 and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/159,497.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The replacement Abstract in the reply filed 10-31-05 is objected to because it is greater than 150 words in length (contains 154 words). Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wurst (5,281,920) in view of "System noise as a signal source for impedance measurements on battery strings" (Robinson) and Puchianu (WO 98/32181).

As per claim 39, Wurst (Abstract, col. 3 lines 10-15) discloses "injecting an alternating current in each string of batteries". Wurst (Abstract, col. 2 lines 24-34) discloses "measuring a voltage across each battery" but does not clearly disclose "by a respective probe in the battery". Wurst (Abstract, col. 5 lines 21-30, col. 6 lines 19-23) discloses impedance calculation of each battery but does not explicitly disclose that the impedance is being obtained by dividing the voltage by the current for each battery. However, Robinson (page 365, left column) teaches that the impedance is being obtained by dividing the voltage by the current for each battery. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply the techniques of Robinson to the invention of Wurst as specified above because

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as taught by Wurst (col. 6 lines 19-21) to permit the calculation of impedance from the measured voltage the current can also be measured. Thus, the well known Ohm's law can be applied, as shown in Robinson in which impedance can be derived from the voltage and current. It appears that the above combination of references though does not clearly teach "by a respective probe in the battery". However, Puchianu (Abstract, figures 1, 11, page 8, lines 28-35, page 9, lines 1-15) teaches this excepted feature. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply the techniques of Puchianu to the inventions of Wurst and Robinson as specified above because as taught by Puchianu (page 9, lines 8-15) as each cell monitoring device has its own cell identification or address, communications from the central battery monitoring system can be directed to a specific cell monitoring device and allows the central battery monitoring system to be able to identify the source of received communications.

As per claim 40, Wurst (Abstract, col. 3 lines 10-15) discloses "injecting a current in each string of batteries". Wurst (Abstract, col. 2 lines 24-34) discloses "measuring a voltage across each battery" but does not clearly disclose "by a respective probe in the battery". Wurst (Abstract, col. 5 lines 21-30, col. 6 lines 19-23) discloses impedance calculation of each battery but does not explicitly disclose that the impedance is being obtained by dividing the voltage by the current for each battery. However, Robinson (page 365, left column) teaches that the impedance is being obtained by dividing the voltage by the current for each battery. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to

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apply the techniques of Robinson to the invention of Wurst as specified above because as taught by Wurst (col. 6 lines 19-21) to permit the calculation of impedance from the measured voltage the current can also be measured. Thus, the well known Ohm's law can be applied, as shown in Robinson in which impedance can be derived from the voltage and current. It appears that the above combination of references though does not clearly teach "by a respective probe in the battery". However, Puchianu (Abstract, figures 1, 11, page 8, lines 28-35, page 9, lines 1-15) teaches this excepted feature. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply the techniques of Puchianu to the inventions of Wurst and Robinson as specified above because as taught by Puchianu (page 9, lines 8-15) as each cell monitoring device has its own cell identification or address, communications from the central battery monitoring system can be directed to a specific cell monitoring device and allows the central battery monitoring system to be able to identify the source of received communications.

4. Claims 21-38 are allowed.

5. Applicant's arguments with respect to claims 39 and 40 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal D. Wachsman whose telephone number is 571-272-2225. The examiner can normally be reached on Monday to Friday 7:00 A.M. to 4:30 P.M..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Hal D Wachsman
Primary Examiner
Art Unit 2857

HW
January 15, 2006